

MINUTES

COMMITTEE OF THE WHOLE

August 24, 2011

A meeting of the Committee of the Whole of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Jay Furfaro, Chair, at the Council Chambers, 3371-A Wilcox Road, Lihu'e, Kaua'i, on Wednesday, August 24, 2011, at 9:54 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Dickie Chang
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro

Excused: Honorable KipuKai Kualii
Honorable Mel Rapozo

There being no objections, the rules were suspended to take public testimony.

There being no one present to give testimony at this time, the meeting was recessed at 9:55 a.m.

The Committee reconvened at 4:48 p.m., and proceeded as follows:

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §92-7(a), the Council may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)

ES-494 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an executive session to provide the Council's Committee of the Whole a briefing regarding legal issues related to the implementation of Kaua'i County Charter Section 3.19 and Bill No. 2410. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Chair Furfaro: I do want to let you folks know depending on the outcome of the TAU Bill, I really want to probably defer this item until September 28th and that's really all my request is for today. Council Vice Chair.

Ms. Yukimura: Yes I wanted to let people know that I've requested a formal opinion from the County Attorney regarding the issues of vesting and estoppels. There's a statement in the findings that presumes certain legal parameters and I think it... having a formal opinion on record would be important. There's always the danger of going far beyond what are the legal parameters of vesting and estoppels and so it's a significant issue and now that the

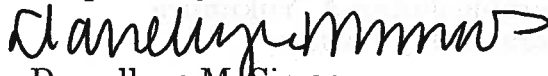
Bill is deferred to September, I presume the research has already been done but we'll have a formal opinion. Now if we want to have a discussion before the 28th, perhaps we can just do a new posting on that or we'll have it on the 28th assuming we're not going to... there'd be room for discussion that day? Yeah? Okay.

Chair Furfaro: Again the Committee of the Whole is just an extension of the whole body and this Bill is coming out of another Committee. So it would be appropriate I think to carry this until the 28 of September.

Upon motion duly made by Ms. Yukimura, seconded by Mr. Chang, and unanimously carried, ES-494 was deferred to September 28, 2011.

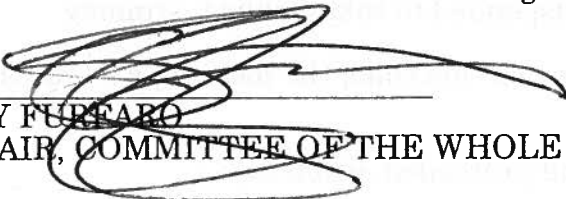
There being no further business, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,



Darrellyne M. Simao
Council Services Assistant II

APPROVED at the Committee Meeting held on September 28, 2011:



JAY FURFARO
CHAIR, COMMITTEE OF THE WHOLE